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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,313	10/17/2000	James L. Keesey	SLT9-2000-0052US1	3435

23373	7590	04/19/2005

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EXAMINER
HAN, QI

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/690,313	KEESEY ET AL.	
	Examiner	Art Unit	
	Qi Han	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 November 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3 forms</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Response to Amendment

2.   This communication is responsive to the applicant's amendment dated 11/09/2004.

Applicant amended claims 1, 14 and 27.

According to the applicant's request (see amendment: page 9), the examiner attaches the

initialed copies of the IDS forms (three1449 forms) with this office action.

Response to Arguments

3.   Applicant's arguments filed on 11/09/2004 with respect to rejection of claims 1-32 under

35 USC 103, have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references

(amendment: page 10, paragraph 3 to page 11, paragraph 2), the examiner recognizes that

obviousness can only be established by combining or modifying the teachings of the prior art to

produce the claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In*

re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the obviousness is based

on the prior art teachings and/or common knowledge in the art, because both references are in

the same field of endeavor, including using speech recognition/speech-to-text, providing speech

processing services through network, and using voice communication channels and wireless

devices. Particularly, for example, Alpdemir teaches verifying the identity from a registered

telephone number (also be a device identifier) (column 6, line 20-23), and King also suggests

using phone number as the contact information for the speech recognition server (column 6, lines

35-41), which clearly provides obviousness and motivation to combine the two references for the

argued subject matter.

In addition, it should be pointed out that in the claim rejection, the examiner said that

"King does not **expressly** disclose ...", which leads examiner to combine the second reference

for conservative rejection; while applicant missed the important word "**expressly**" in his

argument (amendment: page 10, paragraph 2). In fact, by reviewing the King's disclosure, he

teaches using a uniform resource indicator (URI) as the contact information for speech

recognition server (column 6, lines 28-41), 'transmission control protocol (TCP), hypertext

transfer protocol (HTTP)...' (column 10, lines 21-22), and that 'device ID can be a phone

number of the device or IP address or combination of an IP address and a port number'; which

suggests or implies the capability of the functionality as claimed.

Based on above reason, it is believed that the applicant's arguments are not persuasive

and the combined rejection is proper. The rejection is sustained.

Claim Rejections - 35 USC § 103

4.   Claims 1-3, 7-16, 20-29 and 33-39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over King (US 6,532,446 B1) in view of Alpdemir (US 6,658,389 B1).

Regarding **claim 14**, King discloses a server based speech recognition user interface for

wireless devices (Title), comprising:

"a device for receiving and transmitting data" (Fig. 1 and column 4, line 64 to column 5,

line 5, 'mobile devices 102 and 103', 'voice transmission and/or reception capabilities');

"a computer having a data store coupled thereto, wherein the data store stores data,

connected to the device" (Fig. 1 and column 5, lines 16-32, 'communication network', 'speech

recognition server system 109', 'storage facilities 112 capable of storing… user specific files

(data)'); and

"one or more computer programs, performed by the computer" (column 7, lines 34-35,

'software (program) performing speech recognition processing is resident on an accessible

remote server device) for:

"receiving voice data and a device identifier from the device" (column 5, lines 34-

35, 'user specific speech templates (voice data)'; column 5, lines 12-15, 'identification

information for user/or mobile device …is transmitted');

"translating the voice data to text" (column 3, lines 14-15, 'voice input … is

converted into a symbolic data file (text)'; column 4, lines 26-28, 'a symbolic data file

…containing a plurality of letters, phonemes words,…');

"determining whether to filter the translated text; and if it is determined that the

translated text is to be filtered, applying a filter to the translated text", (column 4, lines

25-35, 'a symbolic data file' 'containing a plurality of letters, phonemes, words, …

functions, control characters or other conventional marks …'; column 10, lines 37-45,

converting the symbolic data file to a data format that may be optimally transported on

wireless network', 'the symbolic data file can be in a format comprehensible ... in a markup, or a text file ... may be reformatted so as to more compatible with requesting mobile device', which includes determining whether to filter (format or reformat) the symbolic data file as claimed).

Even though King discloses "receiving voice data and a device identifier from the device" as stated above, King does not expressly disclose that using same computer for receiving voice data and a device identifier and for speech (or voice) recognition. However, this feature is well known in the art as evidenced by Alpdemir who discloses that the speech server 116 (Fig. 1) is a personal computer that includes speech-to-text engine (for speech recognition) (Fig. 1 and column 5, lines 10-30) and that voice recognition can be used with (including receiving) voice print and a registered telephone number (device identifier) (column 6, lines 14-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify King by specifically providing a computer for receiving voice data and a device identifier and for speech (or voice) recognition, as taught by Alpdemir, for the purpose of offering easy access of the service for businesses and consumers (Alpdemir: column 2, lines 26-28).

Regarding **claim 15** (depending on claim 14), King in view of Alpdemir further discloses "storing a user profile in a data store connected to the computer", (King: column 5, lines 26-32, 'storage facilities 112 capable of storing... user specific files (data)' that is interpreted as user profile).

Regarding **claim 16** (depending on claim 15), King does not expressly disclose "a voice print". However, this feature is well known in the art as evidenced by Alpdemir who discloses the voice recognition using a previously stored voice print (column 6, lines 14-15). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify King by specifically providing a voice print, as taught by Alpdemir, for the purpose of

authenticating the users (Alpdemir: column 6, line 16).

Regarding **claim 20** (depending on claim 14), King in view of Alpdemir further

discloses "applying the filter comprises formatting the translated text", (King: column 10, lines

37-46, 'converts the symbolic data file to a data format that may be optimally transported on

wireless network', 'may be reformatted').

Regarding **claim 21**(depending on claim 20), King in view of Alpdemir further discloses

"formatting the translated text for an application", (King: column 3, lines 20-22, 'the symbolic

data file may be used to interact with local applications'; column 2, lines 63-64, email or

browser').

Regarding **claim 22** (depending on claim 20), King in view of Alpdemir further discloses

"formatting the translated text for the device", (King: column 10, lines 37-46, 'converts the

symbolic data file to a data format that may be optimally (in terms of ... the device

characteristics of the requesting mobile device) transported on wireless network', 'may be

reformatted so as to more compatible with the requesting device').

Regarding **claim 23** (depending on claim 14), King in view of Alpdemir further discloses

"returning translated text to the device", (King: column 3, lines 16-17, 'sent back to the

originating mobile').

Regarding **claim 24** (depending on claim 14), King in view of Alpdemir further discloses

"returning filtered text to the device", (King: King: column 3, lines 16-17, 'sent back to the

originating mobile'; column 10, lines 37-46, 'converts the symbolic data file to a data format that

may be optimally (in terms of ... the device characteristics of the requesting mobile device)

transported on wireless network', 'may be reformatted so as to more compatible with the

requesting device').

Regarding **claim 25** (depending on claim 24), King in view of Alpdemir further discloses

"returning the filtered text via an electronic mail message", (King: column 2, lines 63-64,

'email').

Regarding **claim 26** (depending on claim 14), King in view of Alpdemir further discloses

"returning data to a device other than the device at which voice data was received", (King:

column 3, lines 16-19, 'sent back to ... or a designated third party device...').

Regarding **claims 1-4 and 7-13**, they recite a method. The rejection is based on the same

reason described for claims 14-17 and 20-26, respectively, because claims 1-4 and 7-13 recite

same or similar limitation(s) as claims 14-17 and 20-26, respectively.

Regarding **claims 27-30 and 33-39**, they recite an article of manufacture. The rejection

is based on the same reason described for claims 14-17 and 20-26, respectively, because claims

27-30 and 33-39 recite same or similar limitation(s) as claims 14-17 and 20-26, respectively.

5.   Claims 4-6, 17-19 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over King in view of Alpdemir, and further in view of well known prior art (MPEP 2144.03).

Regarding **claim 17** (depending on claim 16), even though King in view of Alpdemir

discloses using template matching, Fourier transform (King: column 4, lines 24-25) and voice

template (King: column 5, lines 41-42) and a voice print (Alpdemir: column 6, lines 14-23),

King in view of Alpdemir does not expressly disclose "translating the voice data to text using a

voice print". However, an official notice is taken that this feature is well known in the art,
because the Fourier transform voice template matching approach, used for a voice print, can also
be used for processing speech-to-text. Therefore, it would have been obvious to one of ordinary
skill in the art at the time the invention was made to modify King in view of Alpdemir by using a
voice print processor for both voice recognition and speech-to-text processing, because this
enables dual use of the voice print processor.

Regarding **claim 18** (depending on claim 14), King in view of Alpdemir does not
expressly disclose "determining comprises extracting one or more key words from the translated
text". However, an official notice is taken that this feature is well known in the art. Therefore,
it would have been obvious to one of ordinary skill in the art at the time the invention was made
to modify King in view of Alpdemir by specifically providing extracting and/or filtering key
word(s) from the translated (recognized) text, for the purpose of offering more marketable
feature for a recognition system.

Regarding **claim 19** (depending on claim 18), the rejection is based on the same reason
described for claim 18, because the claim recites (or includes) same or similar limitation(s) as
claim 18.

Regarding **claims 4-6** (depending on claim 1), the rejection is based on the same reason
described for claims 17-19, respectively, because claims 4-6 recite same or similar limitation(s)
as claims 17-19, respectively.

Regarding **claims 30-32** (depending on claim 27), the rejection is based on the same
reason described for claims 17-19, respectively, because claims 30-32 recite same or similar
limitation(s) as claims 17-19, respectively.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action

is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the advisory action is

not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

7.   Please address mail to be delivered by the United States Postal Service (USPS) as
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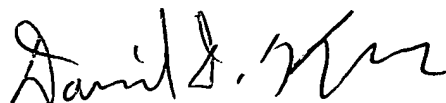Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see http://pair-direct.uspto.gov.

QH/qh
April 5, 2005

DAVID D. KNEPPER
PRIMARY EXAMINER